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EXAMINER

LEROUX, ETIENNE PIERRE

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 11/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/965,146

Applicant(s)

HOUSTON ET AL

Examiner

Etienne P LeRoux

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 5, 16 and 23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 5 and 16 recite “wherein executing a first task on the first approved control document includes indirectly calling a second agent by the first agent and executing the first task by the second agent.” The specification does not enable one of ordinary skill in the art to make and use the invention because the specification does not describe how to make an indirect call.

Claim 23 recites a computer usable medium having a computer readable code embodied therein, said computer readable code including an agent adapted to process an approved control document on a dynamically changing list of control documents.” The specification does not describe how an agent is, (i) included in a computer readable code, and (ii) adapted to process an approved document.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 10 and 21 contain the trademark/trade name Lotus, Lotus Domino and Lotus Notes. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe a database structure and, accordingly, the identification/description is indefinite.

***Art Rejection Precluded***

Claims 5, 10, 16, 21 and 23 lack enablement and/or indefinite per above rejection under 35 U.S.C. 112. Due to the difficulty in understanding supra claims, an art rejection of supra claims is not made in this Office Action.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2171

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 7-9, 12-14 and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by US Pat No 6, 000,000 issued to Hawkins et al (hereafter Hawkins '000), as best examiner is able to ascertain.

Claim 1:

Hawkins '000 discloses a method for updating a database structure, comprising:

- generating a dynamically changing list of control documents [sync registry item 430 per Fig 4 and col 5, line 54 through col 6, line 3]
- processing by a first agent [single button per abstract and sync process being activated by a palmtop per col 3, lines 1-5] a first approved control document on the list [conduit library A item 421 per Fig 4 and col 5, lines 48-62],
- wherein processing the first approved control document includes causing executing at least one task on the first approved control document, and
- wherein executing a task on the first approved control document includes updating the database structure [synchronization per col 6, lines 6-15].

Claim 3:

Hawkins '000 discloses wherein executing a first task on the first approved control document includes executing the first task by the first agent [conduit library A item 421 per Fig 4 and col 5, lines 48-62].

Claim 7:

Hawkins '000 discloses wherein executing a first task on the first approved control document includes updating a plurality of databases of the database structure [Fig 4, items 441-443].

Claim 8:

Hawkins '000 discloses wherein executing a first task on the first approved control document includes updating a first database of the database structure, and wherein executing a second task on the first approved control document includes updating a second database of the database structure [Fig 4, items 421 and 422].

Claim 9:

Hawkins '000 discloses wherein a first task and a second task on the first approved control document are not independent [inherent].

Claim 12:

Hawkins '000 discloses

- a dynamically changing list of control documents [sync registry item 430 per Fig 4 and col 5, line 54 through col 6, line 3]
- a first agent [single button per abstract and sync process activated by a palmtop per col 3, lines 1-5] adapted to process a first approved control document on the list including to cause an execution of at least one task on the first approved control document [conduit library A item 421 per Fig 4 and col 5, lines 48-62],
- wherein an execution of a task on the first approved control document includes an updating of the database structure [synchronization per col 6, lines 6-15].

Claim 13:

Hawkins '000 discloses a view of the list, wherein the first agent is adapted to access the view before processing the first approved control document [Fig 1, item 155].

Claim 14:

Hawkins '000 discloses wherein an execution of a first task on the first approved control document includes an execution of the first task by the first agent [conduit library A item 421 per Fig 4 and col 5, lines 48-62].

Claim 18:

Hawkins '000 discloses wherein executing a first task on the first approved control document includes updating a plurality of databases of the database structure [Fig 4, items 441-443].

Claim 19:

Hawkins '000 discloses wherein executing a first task on the first approved control document includes updating a first database of the database structure, and wherein executing a second task on the first approved control document includes updating a second database of the database structure [Fig 4, items 421 and 422].

Claim 20:

Hawkins '000 discloses wherein a first task and a second task on the first approved control document are not independent [inherent].

*Claim Rejections - 35 USC § 103*

Claims 2, 4, 6, 11, 15, 17 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hawkins '000.

Claim 2:

Hawkins '000 discloses the elements of claim 1 as noted above and also discloses generating a view of the list [Fig 1, item 155]

Hawkins '000 fails to disclose accessing the view by the first agent prior to processing the first approved control document.

Official Notice is taken that wherein executing a first task on the first approved control document includes executing the first task by the first agent is well-known and expected in the art.

The ordinarily skilled artisan would have been motivated to modify Hawkins '000 per the above for the purpose of checking the list before performing an operation.

Claim 4:

Hawkins '000 discloses the elements of claim 1 as noted above.

Hawkins '000 fails to disclose wherein executing a first task on the first approved control document includes directly calling a second agent by the first agent and executing the first task by the second agent.

Official Notice is taken that wherein executing a first task on the first approved control document includes directly calling a second agent by the first agent and executing the first task by the second agent is well-known and expected in the art.



The ordinarily skilled artisan would have been motivated to modify Hawkins '000 per that above for the purpose of informing the second agent that a task assigned to him/her needs to be performed.

Claim 6:

Hawkins '000 discloses the elements of claim 1 as noted above.

Hawkins '000 fails to disclose further comprising processing by a second agent a second approved control document on the list, wherein processing the second approved control document includes causing executing at least one task on the second approved control document, and wherein executing a task on the second approved control document includes updating the database structure.

Official Notice is taken that further comprising processing by a second agent a second approved control document on the list, wherein processing the second approved control document includes causing executing at least one task on the second approved control document, and wherein executing a task on the second approved control document includes updating the database structure is well-known and expected in the art.

The ordinarily skilled artisan would have been motivated to modify Hawkins '000 per the above for the purpose of assigning a second agent to process the second document according to the skill-level of the second agent.

Claim 11:

Hawkins '000 discloses the elements of claim 1 as noted above.

Hawkins '000 fails to disclose wherein executing a first task on the first approved control document includes replacing a name of a first person with a name of a second person in a plurality of databases of the database structure.

However, Hawkins '000 discloses a address book containing names, phone numbers, and addresses of people [col 2, lines 24-26].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hawkins '000 to include wherein executing a first task on the first approved control document includes replacing a name of a first person with a name of a second person in a plurality of databases of the database structure.

The ordinarily skilled artisan would have been motivated to modify Hawkins '000 per the above for the purpose of deleting the name of the first person from the database.

Claim 15:

Hawkins '000 discloses the elements of claim 12 as noted above.

Hawkins '000 fails to disclose wherein executing a first task on the first approved control document includes directly calling a second agent by the first agent and executing the first task by the second agent.

Official Notice is taken that wherein executing a first task on the first approved control document includes directly calling a second agent by the first agent and executing the first task by the second agent is well-known and expected in the art.

The ordinarily skilled artisan would have been motivated to modify Hawkins '000 per that above for the purpose of informing the second agent that a task assigned to him/her needs to be performed.

Claim 17:

Hawkins '000 discloses the elements of claim 12 as noted above.

Hawkins '000 fails to disclose further comprising processing by a second agent a second approved control document on the list, wherein processing the second approved control document includes causing executing at least one task on the second approved control document, and wherein executing a task on the second approved control document includes updating the database structure.

Official Notice is taken that further comprising processing by a second agent a second approved control document on the list, wherein processing the second approved control document includes causing executing at least one task on the second approved control document, and wherein executing a task on the second approved control document includes updating the database structure is well-known and expected in the art.

The ordinarily skilled artisan would have been motivated to modify Hawkins '000 per the above for the purpose of assigning a second agent to process the second document according to the skill-level of the second agent.

Claim 22:

Hawkins '000 discloses the elements of claim 1 as noted above.

Hawkins '000 fails to disclose wherein executing a first task on the first approved control document includes replacing a name of a first person with a name of a second person in a plurality of databases of the database structure.

However, Hawkins '000 discloses a address book containing names, phone numbers, and addresses of people [col 2, lines 24-26].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hawkins '000 to include wherein executing a first task on the first approved control document includes replacing a name of a first person with a name of a second person in a plurality of databases of the database structure.

The ordinarily skilled artisan would have been motivated to modify Hawkins '000 per the above for the purpose of deleting the name of the first person from the database.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne LeRoux whose telephone number is (703) 305-0620. The examiner can normally be reached on Monday – Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308-1436.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Patent related correspondence can be forwarded via the following FAX number (703) 872-9306

Etienne LeRoux

November 10, 2003



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AU 2171